



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 37697-0035

Applicant(s): Edward W. MERRILL *et al.*

Confirmation No.: 7738

Appl. No.: 09/842,166

Examiner: C. Miller

Filing Date: April 26, 2001

Art Unit: 3738

Title: RADIATION AND MELT TREATED ULTRA HIGH MOLECULAR WEIGHT POLYETHYLENE PROSTHETIC DEVICES

RECEIVED

NOV 17 2003

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

TECHNOLOGY CENTER R3700

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

11/13/2003 SSESHE1 00000028 09842166

01 FC:1806

180.00 0P

Sir:

Submitted herewith on Form PTO/SB/08A is a listing of documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. §1.56 and §1.97. A copy of each of the listed documents are being submitted to comply with the provisions of 37 C.F.R. §1.97-1.99.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

This Information Disclosure Statement is being filed after the mailing of a first Office action on the merits but before the mailing date of either (1) a final action under §1.113; (2) a notice of allowance under §1.311; or (3) an action that otherwise closes prosecution in the

U.S. Serial No. 09/842,166

application. The required fee in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached. The Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

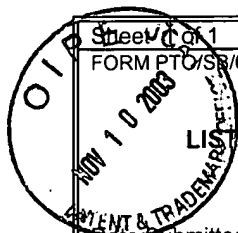
Respectfully submitted,



John P. Isacson
Attorney for Applicant
Reg. No. 33,715

Date: November 10, 2003

HELLER EHRMAN WHITE & MCAULIFFE
1666 K Street, N.W., Suite 300
Washington, DC 20006
Phone: (202) 912-2000
Fax: (202) 912-2020
Customer No. 26633



Sheet 1 of 1 FORM PTO/SB/08A				ATTY DOCKET NO. 37697-0035		SERIAL NO. 09/842,166	
LIST OF REFERENCES CITED BY APPLICANT(S) Date Submitted: November 10, 2003				APPLICANT Edward W. MERRILL et al.			
				FILING DATE April 26, 2001		GROUP 3738	
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE (M/D/Y)	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	C01	4,524,467	6/25/85	DECARLO	603	22	
	C02	6,506,866	1/14/03	JACOBSEN ET AL.	526	348	
	C03	5,869,575	2/9/99	KOLTHAMMER ET AL.	525	240	
	C04	5,358,792	10/25/94	MEHTA ET AL.	428	516	
	C05	6,464,926	10/15/02	MERRILL ET AL.	264	485	
	C06	6,641,617	11/4/04	MERRILL ET AL.	623	23.58	
	C07	3,698,017	10/17/72	SCALES ET AL.	3	1	
	C08	4,385,405	5/31/83	TEINTURIER	3	1.912	
	C09	6,096,084	8/1/00	TOWNLEY	623	23.12	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE (M/D/Y)	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	C10	WO01/05337	1/25/01	WIPO			
	C11	WO97/29793	8/21/97	WIPO			
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
	C12	GROBBELAAR ET AL.	SA BONE AND JOINT SURGERY IX(3): 143-147 (1999)				
	C13	JAHAN ET AL.	J. OF LUMINESCENCE 40 & 41:242-243 (1988)				
	C14	SHEN	Effect of Irradiation on Chemically Crosslinked Ultrahigh Molecular Weight Polyethylene (A Dissertation Presented to the Univ. of Southern California (December 1994))				
	C15	ZOEPFL ET AL.	J. POLYMER SCI POLYM. CHEM. ED 22: 2017-2032 (1984)				
	C16		LONG TERM PERFORMANCE OF GAMMA IRRADIATED HDPE CUPS IN TOTAL HIP REPLACEMENT (1997) (ABSTRACT)				
EXAMINER				DATE CONSIDERED			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.